

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**JOHN FRANCIS,
TDCJ No. 2253451**

Plaintiff,

v.

BETO 2 and POWLEDGE UNIT,

Defendant.

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Civil Action No. **3:24-CV-766-L-BN**

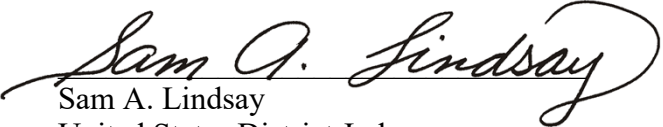
ORDER

On September 5, 2024, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 5) was entered, recommending that the court *sua sponte* dismiss without prejudice this “construed” civil complaint raising claims under 42 U.S.C. §1983, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute and comply with a court order. As of the date of this order, the court has not received any objections from Plaintiff to the Report, and the deadline for filing objections has expired.

Plaintiff John Francis, a Texas prisoner, filed a document that was construed as a civil complaint, and the magistrate judge entered a Notice of Deficiency and Order regarding Complaint and Filing Fee (NOD) on April 3, 2024 (Doc. 4). It identified the deficiencies and instructed Plaintiff to refile by May 3, 2024. The magistrate judge entered the Report on September 5, 2024, which means Plaintiff had over five months to comply with the NOD, but he failed to do so. The magistrate judge explicitly warned Plaintiff that his failure to comply might result in the dismissal of his claims. Despite this warning, Plaintiff did not comply and has not made any attempts to contact the court. The magistrate judge also filed this Report over a month ago, and Plaintiff did not file any objections.

Having considered the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action, pursuant to Rule 41(b), as a result of Plaintiff's failure to prosecute and comply with a court order.

It is so ordered this 7th day of October, 2024.


Sam A. Lindsay
United States District Judge